II. REMARKS

A.   Status of the Claims

Claims 1, 18, 41, 49, 57, 71, and 72 were amended without prejudice. Support for the amendments can be found, e.g., in paragraphs [0017], [0036], [0038] and [0053].

Claims 1-27, 41-59 and 71-73 are pending.

It is respectfully submitted that no new matter was added by virtue of the present amendments.

B.   Claim Rejections- 35 U.S.C. § 103

Claims 1-27, 41-59 and 71-73 have been rejected under 35 U.S.C. §103(a) on the grounds of obviousness over U.S. Patent Application Publication No. 2003/0196098 to Dickinson, III et al. in view of U.S. Patent No. 6,760,752 to Liu et al. The Examiner believes that "the policy engine of Dickinson do occur when the communication is created." *Office Action, page 13.*

The rejection is respectfully traversed.

However, in an effort to advance prosecution and further differentiate over the cited references, independent claims 1, 41 and 71 were amended to recite that the privileged attribute is "selected by the creator" of the communication before the communication is sent.

Dickinson does not teach or suggest selecting a privileged attribute <u>before</u> the communication is sent, because it is purportedly directed to an email firewall which processes the messages <u>after</u> they are sent. *See, e.g., Abstract.*

Furthermore, Dickinson does not teach or suggest privileged attribute which is "selected by the creator," because in Dickinson the policies are "entered by an administrator of the

firewall" rather than by the creator as recited in independent claims 1, 41 and 71. *See, e.g., Dickinson, paragraph [0023].*

Independent claims 1, 41 and 71, and their dependent claims, are not therefore rendered obvious by the combination of the cited references, as the cited references do not teach the privileged attribute is "selected by the creator" of the communication before the communication is sent as recited in tndependent claims 1, 41 and 71.

Independent claims 1 and 18 were amended without prejudice to recite that the routing of the communication is limited to "recipients selected by the creator of" the communication before the communication is sent, and that "forwarding of the digital communication to an unintended recipient" is prevented.

The cited references do not teach restricting routing of the communication to "recipients selected by the creator of" the communication before the communication is sent. In response to the Examiner's reliance on column 1, lines 54-65, and column 2, lines 46-51, of Liu, Applicants note that these portions of Liu describe attaching of an encrypted message to an email, rather than attaching "a privileged attribute" or an "executable module" as recited in present independent claims 1 and 18, respectively.

Moreover, cited references also do not teach prevention of "forwarding of the digital communication to an unintended recipient" as recited in independent claims 1 and 18.

Independent claims 1 and 18, and their dependent claims, are not therefore rendered obvious by the combination of the cited references, as the cited references do not teach or suggest the routing of the communication is limited to "recipients selected by the creator of" the communication before the communication is sent, and that "forwarding of the digital communication to an unintended recipient" is prevented as recited in independent claims 1 and 18.

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Independent claims 49, 57 and 72 were amended without prejudice to recite that an executable module attached to the communication restrict access to the communication to recipients "selected by the creator" of the communication before the digital communication is sent.

The cited references do not teach or suggest "an executable module" attached to the communication as recited in independent claims 49, 57 and 72.

Independent claims 49, 57 and 72, and their dependent claims, are not therefore rendered obvious by the combination of the cited references, as the cited references do not teach or suggest "an executable module" as recited in independent claims 49, 57 and 72.

For the reasons given above, as well as the reasons set forth in the response filed on October 14, 2008, herein incorporated by reference, withdrawal of the rejection is respectfully requested.

Conclusion

If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney at the number set forth below in order to resolve any outstanding issues and advance the prosecution of the case.

Respectfully submitted,
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